

**REMARKS**

Claims 1-9 are pending in this application, of which claim 8 has been amended in order to more particularly point out, and distinctly claim the subject matter to which the applicant regards as his invention. Claims 10 and 11 have been added.

**Claims Rejections Under 35 U.S.C. §102(b)**

Claims 1-3 and 6-8 stand rejected under 35 U.S.C. §102(b) as being anticipated by JP (62279587 A).

Claim 1 defines the elastic member. The elastic member continuously surrounds an occupied space of the fastening mechanism between the receiving surface of the base end and the cover. The elastic member is exemplified as the elastic member 39 in the present specification and Figures 3-6. According to the structure defined in Claim 1, when the cover is to be coupled to the base, the fastening mechanism urges the cover against the receiving surface of the base in the recording medium drive. Since the elastic member continuously surrounds the occupied space of the fastening mechanism, the elastic member elastically deforms equally around the fastening mechanism. Flexure can thus reliably be prevented in the base and the cover.

In the rejection of Claim 1, the Examiner insists that the elastic member of Claim 1 corresponds to the element 33 of JP 62279587 (see item 2, lines 6-8 of the Office Action). Applicant asserts that the element designated by the reference numeral "33" is not an elastic member but a metallic spacer. However, JP 62279587 certainly discloses a packing 32. The packing 32 is

engaged with the metallic spacer 33 as shown in Figures 1 and 7. It is apparent from Figures 1 and 7 that the packing 32 is disposed between the screw head of the screw 3 and the cover 4. As described above, the elastic member of Claim 1 continuously surrounds an occupied space of the fastening mechanism between the receiving surface of the base and the cover. The structure is fully supported by Figure 5 of the present application. Accordingly, the elastic member defined in Claim 1 distinguishes over the packing 32 of JP 62279587. JP 62279587 fails to disclose the structure defined in Claim 1, and Applicants believes that Claim 1 is allowable and this should lead to allowance of its dependent Claims 2-6.

Claim 7 stands rejected under 35 U.S.C. §102(b) as being anticipated by JP 62279587. Applicant traverses the rejection of currently pending Claim 7. Claim 7 defines the elastic member interposed between the base and the cover. The elastic member continuously surrounds an occupied space of a fastening mechanism. The fastening mechanism couples to cover to the base. In the rejection of Claim 7, the Examiner insists that the elastic member of Claim 1 corresponds to the element 33 of JP 62279587 in the same manner as Claim 1 (see item 2, lines 11-14 in the Office Action). The arguments presented with reference to claim 1 can als be applied to the case of Claim 7 and, therefore, claim 7 should be allowed for the same reasons.

Claim 8 stands rejected under 35 U.S.C. §102(b) as being anticipated by JP 62279587. Claim 8 has been amended and defines the through bore formed in the cover. The through bore receives a stem of a predetermined fastening member. A front surface of the cover receives a head

of the predetermined fastening member. Amended claim 8 also defines the elastic member adhered to a back surface of a cover and continuously surrounding the through bore.

JP 62279587 discloses the packing 32 disposed on a surface of the cover 4 as shown in Figure 7. The screw 3 penetrates the cover 4 from the front surface of the cover 4 toward the back surface of the cover 4. Accordingly, it is apparent from Figure 7 that the packing 32 is disposed on the front surface of the cover 4. The elastic member defined in the proposed Claim 8 should be distinguished from the packing of JP 62279587. JP 62279587 fails to disclose the structure defined in amended Claim 8. It is believed that Claim 8 is now in allowable condition and should lead to the allowability of its dependent Claim 9.

Therefore, withdrawal of the rejection of claims 1-3 and 6-8 under 35 U.S.C. §102(b) as being anticipated by JP (62279587 A) is respectfully rejected.

**Claim Rejections under 35 USC §103**

Claims 4-5 and 9 stand rejected under 35 U.S.C. §102(b) as being anticipated by JP (62279587 A).

Claims 4-5 and 9 are allowable by virtue of their dependence upon allowable independent claims. Therefore, withdrawal of the rejection of claims 4-5 and 9 under 35 U.S.C. §102(b) as being anticipated by JP (62279587 A) is respectfully requested.

### **New Claims**

Claim 10 has been added and defines that a depression is formed in the front surface of the cover so as to swell from the back surface of the cover. The through bore is located at a bottom of the depression. The elastic member continuously surrounds the depression at the back surface of the cover. The depression is exemplified as the depression 17 in the present specification and Figures 5 and 6 in the present application. It is believed that new Claim 10 reinforces the patentability of amended Claim 8.

Claim 11 has been added and defines that the cover defines an inner space in cooperation with a base. The back surface is opposed to the inner space. The structure defined in new Claim 11 is fully supported by the description of the present specification at page 7, lines 28 and 29, and Figure 5. It is believed that new Claim 11 reinforces the patentability of amended Claim 8.

### **Conclusion**

In view of the aforementioned amendments and accompanying remarks, claims 1-9, as amended, and newly added Claims 10 and 11, are believed to be in condition for allowance, which action, at an early date, is requested.

If, for any reason, it is felt that this application is not now in condition for allowance, the Examiner is requested to contact the applicant's undersigned attorney at the telephone number indicated below to arrange for an interview to expedite the disposition of this case.

In the event that this paper is not timely filed, the applicant respectfully petitions for an

appropriate extension of time. Please charge any fees for such an extension of time and any other fees which may be due with respect to this paper, to Deposit Account No. 01-2340.

Respectfully submitted,

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